

her motion for attorneys' fees.⁴ The court just issued a ruling on Plaintiff's motion for attorneys' fees against Schneider Electric.⁵ Therefore, the court will now be issuing its Final Judgment pursuant to Federal Rule of Civil Procedure 58.

As a preliminary matter, Aerotek timely filed a "Bill of Costs."⁶ Under Federal Rules of Civil Procedure Rule 54(d)(1), "[u]nless a federal statute, these [Federal Rules], or a court order provides otherwise, costs—other than attorney's fees—should be allowed to the prevailing party."⁷ Aerotek is a prevailing party. Plaintiff did not file an objection to Aerotek's bill of costs. As such, the court finds good cause to grant Aerotek's request for costs.

Accordingly, the court enters the following orders:

1. It is **HEREBY ORDERED** that Plaintiff **TAKE NOTHING** from Aerotek, Inc.
2. It is **FURTHER ORDERED** that Aerotek is to recover costs in the amount of \$3,398.47 from Plaintiff.
3. It is **FURTHER ORDERED** that Plaintiff recover from Schneider Electric USA, Inc., d/b/a Schneider Electric past and future damages in accordance with [ECF No. 172] totaling \$75,242.00.
4. It is **FURTHER ORDERED** that Schneider Electric USA, Inc., d/b/a Schneider Electric **SHALL PAY** to Plaintiff \$160,767.56 in reasonable attorneys' fees.
5. It is **FURTHER ORDERED** that Schneider Electric USA, Inc., d/b/a Schneider Electric **SHALL PAY** Plaintiff \$5,913.22 in chargeable costs.
6. It is **FURTHER ORDERED** that Schneider Electric USA, Inc., d/b/a Schneider Electric **SHALL PAY** Plaintiff \$3,848.63 in pre-judgment interest (i.e., eight-point two five percent of \$75,242 for 228 days).⁸

⁴ "Plaintiff's Motion for Attorney Fees and Costs" 1, ECF No. 174, filed Feb. 27, 2023.

⁵ See "Order on Motion for Attorney's Fees" 1, ECF No. 184, filed May 9, 2023.

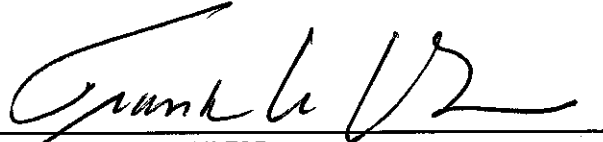
⁶ "Bill of Costs" 1, ECF No. 173, filed Feb. 27, 2023.

⁷ Fed. R. Civ. P. 54(d)(1).

⁸ *Guidry v. Booker Drilling Co. (Grace Offshore Co.)*, 901 F.2d 485, 488 (5th Cir. 1990) ("Where jurisdiction is predicated on a federal question, section 1961 does not preclude the award of prejudgment interest. . . . To determine whether an award of prejudgment interest is appropriate, this Court must first consider whether the [act] precludes an

7. It is **FURTHER ORDERED** that all monetary judgments awarded herein shall accrue post-judgment interest at the legal rate prescribed by 28 U.S.C. § 1961, calculated from the date of this Order.
8. It is **FURTHER ORDERED** all pending motions, if any, are **DENIED AS MOOT**.
9. The Clerk of the Court is **INSTRUCTED** to **CLOSE** the cause.

SIGNED AND ENTERED this 16 day of May 2023.



FRANK MONTALVO
SENIOR UNITED STATES DISTRICT JUDGE

award of prejudgment interest, and if not, whether an award of such interest would further the congressional policies of the Act.”); *see Loeffler v. Frank*, 486 U.S. 549, 565 (1988) (deciding that prejudgment interest is available in Title VII cases.); *Fox v. Fox*, 167 F.3d 880, 884 (4th Cir. 1999) (“[A]bsent a statutory mandate the award of prejudgment interest is discretionary with the trial court. . . the rate of prejudgment interest for cases involving federal questions is a matter left to the discretion of the district court.”). This court will be using Texas law to determine the prejudgment interest rate charged. *U.S. Metals, Inc. v. Liberty Ins. Corp.*, No. 12-CV-00379, 2018 WL 11357088, at *3 (S.D. Tex. May 25, 2018) (“The rate to be applied is the prime interest rate from the Federal Reserve or a minimum base rate of five percent” (citing TEX. FIN. CODE § 304.003(c)(1)). The prime interest rate on May 11, 2023, was 8.25%.